

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

JOHN DOE J.P.,)	
)	
Plaintiff,)	
)	No. 4:20-CV-331-PLC
v.)	
)	
ROMAN CATHOLIC ARCHDIOCESE)	
OF ST. LOUIS, et al.,)	
)	
Defendants.)	

**DEFENDANTS ARCHDIOCESE OF ST. LOUIS'S AND FATHER ALEXANDER
ANDERSON'S JOINT MOTION FOR RULE 35 MENTAL EXAMINATION**

COME NOW Defendants the Archdiocese of St. Louis and Father Alexander Anderson (collectively, "Defendants"), by and through their attorneys, and for their Joint Motion for Mental Examination pursuant to Federal Rule of Civil Procedure (hereinafter, "Rule") 35, state as follows:

1. This is an action in which Plaintiff alleges that he was sexually abused by Father Alexander Anderson sometime in the 1980's and that his memory was subsequently repressed. (Doc. 72, ¶ 25.) He claims that his injuries include mental and physical pain, emotional distress, loss of enjoyment of life, loss of earnings, and medical and psychological treatment, therapy, and counseling. (Doc. 72, ¶¶ 32, 41, 53, 61, 79, 92, 103, 111, 117, 128, 142.)

2. Rule 35(a) states: "The court where the action is pending may order a party whose mental or physical condition . . . is in controversy to submit to a physical or mental examination by a suitably licensed or certified examiner."

3. Defendants submit that there is good cause pursuant to Rule 35 for a mental examination as a result of Plaintiff's claims of the psychological phenomenon of repressed memory, in addition to the alleged injuries listed above.

4. Accordingly, Defendants request that Plaintiff appear for an examination pursuant to Rule 35 to be performed by Dr. Alexander Rose, MD, MPHS, on January 23, 2022, beginning at 1:00 p.m. (CT) at F.C.I. Greenville, Illinois, where Plaintiff is located.

5. The proposed examination would consist of forensic and psychiatric interview and evaluation. It also would consist of any routine testing deemed necessary by Dr. Rose. Dr. Rose will also question Plaintiff concerning the history of his alleged injuries and damages.

6. In order for defense counsel to properly evaluate Plaintiff's alleged repression of memories, injuries, treatment, planned treatment, and prognosis, it is necessary that Plaintiff submit to this examination.

7. This request is timely made pursuant to this Court's operative Case Management Order (Doc. 124.)

8. In the event that the proposed date and time of January 23, 2022, at 1:00 p.m. (CT) is rejected, Defendants respectfully request an extension of the aforementioned dates to allow a sufficient and reasonable amount of time for the Rule 35 physical examination to be completed, and for any and all necessary reports to be made.

WHEREFORE, Defendants the Archdiocese of St. Louis and Father Alexander Anderson respectfully request that this Court grant their Joint Motion for Rule 35 Physical Examination, and for any other relief this Court deems just and proper under the circumstances.

HEPLERBROOM LLC

By: /s/Alexandra S. Haar

ALEXANDRA S. HAAR

#63846MO

ash@heplerbroom.com

211 North Broadway

Suite 2700

St. Louis, MO 63102

314/241-6160

314/241-6116 – Facsimile

Attorney for Defendant Archdiocese of St. Louis

CARMODY MACDONALD P.C.

By: /s/Ryann C. Carmody (with consent)

Gerard T. Carmody, #24769MO

Ryann C. Carmody, #56831MO

Ryan M. Prsha, #70307MO

120 South Central Avenue, Suite 1800

St. Louis, MO 63105

Telephone (314) 854-8600

Facsimile (314) 854-8660

gtc@carmodymacdonald.com

rcc@carmodymacdonald.com

rmp@carmodymacdonald.com

*Attorneys for Defendant Father Alexander
Anderson*

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on December 28, 2021, the foregoing was filed electronically with the Clerk of Court, to be served electronically by operation of the Court's electronic filing system upon all counsel of record.

/s/ Alexandra S. Haar